

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO <u>et al.</u>,</p> <p>Debtors.¹</p>	<p>PROMESA Title III</p> <p>Case No. 17 BK 3283-LTS (Jointly Administered)</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</p> <p>as representative of</p> <p>PUERTO RICO ELECTRIC POWER AUTHORITY,</p> <p>Debtor.</p>	<p>PROMESA Title III</p> <p>Case No. 17 BK 4780-LTS</p>

ORDER REGARDING CERTIFICATION OF CONSTITUTIONAL CHALLENGE TO A STATUTE

The Court has received and reviewed the *Notice of Constitutional Challenge to Federal Statute by UTIER* (Docket Entry No. 24578 in Case No. 17-3283 and Docket Entry No. 3752 in Case No. 17-4780, the “Notice”), filed by Unión de Trabajadores de la Industria Eléctrica y Riego (“UTIER”), providing notice that its objection (Docket Entry No. 24534 in

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Case No. 17-3283 and Docket Entry No. 3706 in Case No. 17-4780) (the “UTIER Objection”) to the proposed order confirming the *Modified Second Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* (Docket Entry No. 23663 in Case No. 17-3283 and Docket Entry No. 3296 in Case No. 17-4780) questions the constitutionality of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), 48 U.S.C. § 2101 et seq.

Where “[a] party [] files a pleading, written motion, or other paper drawing into question the constitutionality of a federal . . . statute,” the Federal Rules of Civil Procedure require the Court to certify the constitutional challenge to the Attorney General. Fed. R. Civ. P. 5.1(b).²

It is hereby ORDERED that UTIER’s challenge to the constitutionality of PROMESA is certified to the Attorney General of the United States; and it is further

ORDERED that the Clerk of this Court shall forward a copy of this Order and the UTIER Objection to the Attorney General of the United States.

SO ORDERED.

Dated: June 15, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

² Rule 5.1 of the Federal Rules of Civil Procedure is made applicable to this proceeding by rule 9005.1 of the Federal Rules of Bankruptcy Procedure, as incorporated by section 310 of PROMESA. 48 U.S.C. § 2170.